

REMARKS

Claims 1, 2, 5-8, 10, 11, 18-20, 23-26, 28, and 29 are currently pending.

In the Office Action mailed November 27, 2006, the Examiner rejected claims 1-2, 5-8, 10-11, 18-20, 23-26, 28, and 29 under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,460,043 to Tabbara et al. (Tabbara) in view of U.S. Patent Publication No. US2006/0026113A1 to Omoigui et al. (Omoigui).

At the outset, Applicants respectfully point out that Omoigui, with a filing date of May 10, 2005, is not prior art under 35 U.S.C. § 103(a) because the instant application has a filing date of July 31, 2003—predating Omoigui by almost two years. Moreover, although Omoigui claims priority to U.S. Application No. 10/179,651, filed June 24, 2002 (hereinafter “the CIP”), that claim is as a continuation-in-part and the Examiner has not made any showing (and Applicants doubt such a showing can be made) that the CIP supports the Omoigui disclosure relied upon by the Examiner in the Office Action. Because Omoigui with a filing date of May 10, 2005 does not constitute prior art, the rejection of the pending claims under 35 U.S.C. §103 should be withdrawn.

Moreover, the Examiner acknowledges that Tabbara does not teach a semantic request comprising a uniform resource locator (URI). (Office Action, page 4). To cure that shortcoming in Tabbara's disclosure, the Examiner relies on Omoigui. To support that position, the Examiner alleges that Omoigui at Fig. 15 and paragraph 0078 discloses the claim 1 feature of “the semantic request comprising a uniform resource identifier.”

However, a careful review of Omoigui at Fig. 15 as well as paragraph 0078 reveals that Omoigui discloses a so-called “semantic query or request” that merely initiates a so-called “semantic search” (i.e., the search is semantic rather than the request itself being

semantic). (Tabbara, para. 0078). As a consequence, there is no disclosure in Omoogui that the request itself semantically identifies a type of information sought by the request. Omoogui thus fails to disclose or suggest at least the following element of claim 1: “receiving from an application a semantic request having a request name that semantically identifies a type of information sought by the request, the semantic request comprising a uniform resource identifier.”

Moreover, since Omoogui’s request does not constitute the claim 1 “semantic request,” Omoogui fails to disclose or suggest any of the other features of the claimed “semantic request,” including for example, “converting the received semantic request to a generic request” as well as “opening a database connection within a data access system corresponding to the semantic request.” For these additional reasons, Omoogui fails to disclose or suggest at least the following element of claim 1: “receiving from an application a semantic request having a request name that semantically identifies a type of information sought by the request, the semantic request comprising a uniform resource identifier.”

Because neither Tabbara nor Omoogui discloses or suggests the above-noted feature of claim 1, claim 1 is patentable over Tabbara and Omoogui, whether taken alone or in combination. Therefore, the rejection of claim 1 should be withdrawn for this additional reason.

Moreover, the Examiner alleges that even though Tabbara lacks the claimed “semantic request including a uniform resource locator,” one of ordinary skill would be motivated to combine Tabbara with Omoogui. Other than using impermissible hindsight, the Examiner has failed to show a motivation to combine from the references themselves, rather than the Applicants’ disclosure. Applicants submit that the Examiner has not

satisfied the initial burden of factually supporting a *prima facie* case of obviousness (see M.P.E.P. § 2142).

According to M.P.E.P. § 2142, the Examiner must establish three criteria to make a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this case, the Examiner appears to use hindsight since Applicants fail to comprehend why a skilled artisan would be motivated to combine the disparate teachings of Tabbara's system addressing the problems of database queries and data manipulation with Omoigui's system addressing the problem of semantically integrated knowledge retrieval systems. For this reason, Applicants submit that there is no motivation to combine Omoigui and Tabbara.

Moreover, Applicants fail to see the relevance of the Examiner's allegation that "Omoigui's teaching would have allowed Tabbara's method to provide improved features and enhancements in semantic advertisements." (Office Action, page 4). Tabbara makes no mention of "semantic advertisements" (nor does this feature appear in Applicants' claims), so Applicants fail to see why a skilled artisan would want to add that feature in Omoigui to Tabbara. For this additional reason, Applicants submit that there is no motivation to combine Omoigui and Tabbara.

Second, to make a *prima facie* showing there must be a reasonable expectation of success. The Examiner has failed to show whether such a combination could be made operative (and Applicants doubt such a combination is even possible). Moreover, Omoigui's summary of the inventions lists several features (e.g., semantic advertisements,

spider RSS integration, etc.), none of which appear to be operative with the very disparate database query system of Tabbara.

Finally, to make a *prima facie* showing, the prior art reference (or references when combined) must teach or suggest all the claim limitations. As noted above, the references, whether taken alone or in combination, fail to teach each and every element of the claim 1.

Applicants submit that the Examiner has failed to establish each of these three *prima facie* criteria and has, thus, failed to support a *prima facie* case of obviousness. Absent such support, the rejections under 35 U.S.C. §103(a) should be withdrawn for this additional reason.

Independent claims 8, 19, and 26, although of different scope, include features similar to those noted above for claim 1. For at least the reasons given above with respect to claim 1, the rejection under 35 USC § 103(a) of claims 8, 19, and 26 as well as claims 10, 11, 18, 20, 23-25, 28, and 29 (at least by reason of their dependency from corresponding independent claims 8, 19, and 26) should be withdrawn.

CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

On the basis of the foregoing amendments, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below. No fee is believed to be due, however, the Commissioner is hereby authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 34874-081-UTL1.

Respectfully submitted,



Pedro F. Suarez
Reg. No. 45,895

Date: 11 January 2007

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
9255 Towne Centre Drive, Suite 600
San Diego, CA 92121
Customer No. 64280
Tel.: 858/320-3040
Fax: 858/320-3001